

ASSEMBLY BILL

No. 643

Introduced by Assembly Member Negrete McLeod

February 17, 2005

An act to amend Section 3533 of the Government Code, relating to state employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 643, as introduced, Negrete McLeod. State excluded employees: meet and confer.

Existing law, the Bill of Rights for State Excluded Employees, requires the state to meet and confer upon request with verified supervisory organizations representing supervisory employees on matters within the scope of representation, and requires a state employer to provide notice to, and meet and confer with, a verified supervisory employee organization prior to arriving at a determination of policy or course of action directly impacting supervisory employees, or when, due to an emergency or other immediate operational necessity, a law, rule, resolution, or regulation has been adopted without prior notice or meeting.

This bill would additionally require that, if the state employer determines that it is necessary to make any other change in an area with respect to which it previously met and conferred with a verified supervisory organization, the state employer shall notify the verified supervisory organization 30 days prior to implementation of the proposed change, and meet and confer with the verified supervisory organization at the earliest practical time following the notification.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 3533 of the Government Code is amended to read:

3533. ~~Upon~~(a) *Upon* request, the state shall meet and confer with verified supervisory organizations representing supervisory employees on matters within the scope of representation. Prior to arriving at a determination of policy or course of action directly impacting supervisory employees, the state employer shall provide reasonable advance notice and provide the verified supervisory employee organizations an opportunity to meet and confer with the state employer to discuss alternative means of achieving objectives. Advance notice may be written, oral, or electronic. “Meet and confer” shall mean that the state employer shall consider as fully as it deems reasonable, such presentations as are made by the verified supervisory employee organization on behalf of its supervisory members prior to arriving at a determination of policy or course of action. The final determination of policy or course of action shall be the sole responsibility of the state employer.

~~When~~(b) *When* the state employer determines that, due to an emergency or other immediate operational necessity, a law, rule, resolution, or regulation must be adopted immediately without prior notice or meeting and conferring with excluded employee organizations, the state employer shall provide notice and opportunity to meet and confer at the earliest practical time following the adoption of the law, rule, resolution, or regulation.

(c) *If the state employer determines that it is necessary to make any other change in an area with respect to which it previously met and conferred with a verified supervisory organization, the state employer shall notify the verified supervisory organization 30 days prior to implementation of the proposed change, and meet and confer with the verified supervisory organization at the earliest practical time following the notification.*